

Supreme Court, U. S.

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IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1975

No. 75-6527

JAMES INGRAHAM, by his mother and next friend,  
ELOISE INGRAHAM, and ROOSEVELT ANDREWS, by  
his father and next friend, WILLIE EVERETT,  
*Petitioners,*

v.

WILLIE J. WRIGHT, I; LEMMIE DELIFORD; SOLOMON  
BARNES; EDWARD L. WHIGHAM; and THE DADE  
COUNTY SCHOOL BOARD, *Respondents.*

Certiorari to the United States Court of Appeals  
for the Fifth Circuit

Brief of the American Psychological Association Task  
Force on the Rights of Children and Youth as  
Amicus Curiae in Support of Petitioners

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**CONSENT TO FILING**

This amicus brief is filed pursuant to Supreme Court  
Rule 42(2), with the written consent of all parties to  
the case.

### INTEREST OF AMICUS CURIAE

"The American Psychological Association opposes the use of corporal punishment in schools, juvenile facilities, child care nurseries, and all other institutions, public or private, where children are cared for or educated."

### STATEMENT

We respectfully submit this brief based on the following resolution passed by the Council of Representatives—the governing body of the American Psychological Association.

The right of protection afforded to every human being against physical encroachment on their bodies without their consent is one of the most important protections afforded by the Constitution.

The wisdom of the Supreme Court to cautiously consider any decision permitting violence is well evidenced by its overruling mandatory enforcement of capital punishment—and specifically permitting this Writ of Certiorari—opposing corporal punishment in schools.

It is clear that the Constitutional issue of "cruel and unusual punishment" must be periodically reconsidered as it applies to any form of officially sanctioned physical violence.

It is especially relevant since the public school is the *only* institution which permits corporal punishment. For example, the armed forces, the prisons, and state hospitals, et al., specifically forbid corporal punishment.

### Is Corporal Punishment Unusual?

Historically, many western cultures have used spanking, caning, paddling, whipping, and flogging as methods of "beating the devil" out of errant children. Most societies do not currently believe that devils inhabit the bodies of young children.

However this particular form of punishment continues although the original meaning has lost validity.

In fact, in the civilized world many countries have long since abandoned corporal punishment in schools. Among them are Poland, Luxembourg, Holland, Austria, France, Finland, Sweden, Denmark, Belgium, Cyprus, Japan, Ecuador, Iceland, Italy, Jordan, Qatar, Mauritius, Norway, Israel, The Phillipines, Portugal, and all Communist block countries.

New Jersey, Massachusetts, and Maryland have state laws prohibiting corporal punishment in the schools, as have many cities including the District of Columbia, Chicago, Baltimore, New York, and Philadelphia.

It is therefore evident from a numerical point of view that corporal punishment is increasingly considered "unusual" as a practice to facilitate learning and improve behavior.

If a method of learning is effective it should be continued as a usual practice.

If it is not effective it should be discontinued and therefore is unusual.

Misbehavior in an educational setting, generally refers to behavior which impedes learning. However, educational and psychological research indicate that the use of corporal punishment and any punitiveness has a deleterious effect on learning.



The practice of corporal punishment provides a sanction for the use of violence as a solution to learning and behavior problems. Violence teaches counter-violence which encourages open hostility by children against schools.

A recent study conducted in Portland, Oregon, has shown that as corporal punishment increases in a particular school there is an increase in student vandalism against the school (Maurer, 1976).

Where corporal punishment has been sustained and encouraged as an aid to the learning process, it has been found ineffective. In fact, there is substantial evidence from the research in positive reinforcement, that children learn much more effectively in the absence of corporal punishment.

Therefore it is clear that if a method is shown to work it should become the "usual" method. It would be "unusual" for educators, faced with scientific data and the opinion of experts, to endorse a practice which is ineffective as being the "usual" method of pedagogy.

The United States Supreme Court, in *Baker v. Owen*, stated that "corporal punishment of children is today discouraged by the *weight* of professional opinion" (Holtzman, 1976).

The National Education Association Report on the Task Force on Corporal Punishment (1972) took a strong stand against the practice and offered many viable alternatives for motivating children to learn.

Despite the weight of professional opinion, some behavioral scientists maintain that there is not sufficient evidence to demonstrate the specific negative

effects of corporal punishment. There never will be the type of controlled research that some require for scientific proof. Our laws, ethics, and morals forbid the practice of using human "guinea pigs."

From animal research we know that avoidance behavior is the first response to pain. If escape is impossible, the organism will attack anything available—an otherwise peaceable cagemate, a tennis ball, the cage or even itself (Azrin & Holtz). Translated into human terms we find the child will first try to escape, by lying, by accusing others, by wriggling or by truancy, daydreaming or school phobia. If escape is impossible, he becomes aggressive and fights with his "cagemates." Biting and scratching at the cage is certainly vandalism and this too we find resulting from excessive punishment.

Lastly, when no other recourse is left the animal bites himself. We also see in some extreme cases child suicidal behavior, usually described as "self destructive."

#### Why Is Corporal Punishment "Cruel"?

It is cruel because it is inflicted most often upon children who are struggling with a variety of developmental and social problems which are related to their self image. The American Psychological Association has indicated in an official statement that "punishment intended to influence 'undesirable' responses often creates in the child the impression that he or she is an 'undesirable' person; and an impression that lowers self-esteem and may have chronic consequences."

It is "cruel" because it hurts. This is a fact recognized by all criminal statutes in evaluating assaults as crimes, differing only in degrees.

Most important there is never assurance that the teacher or administrator conducting the punishment can always control his or her own feelings to properly separate them from the "degree" of pain involved as solely related to the "offense." As in the case of *Ingraham v. Wright* over-zealous "punishers" can cause such physical damage that children may become severely injured and require hospitalization.

Does the United States Supreme Court feel that it can truly draw the line necessary for the welfare of children whom it has always protected?

#### CONCLUSION

In conclusion, the American Psychological Association's Task Force on the Rights of Children and Youth implores the United States Supreme Court to follow its wisdom of reversing its own decisions when their results have been proven ineffective.

Specifically, we request its reconsideration in reversing its former decisions permitting corporal punishment in schools.

We feel that this practice is ineffective as well as cruel and unusual and is disadvantageous to all the parties concerned.

Respectfully submitted,

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